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HOUSE BILL 629

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Thomas E. Swisstack

AN ACT

RELATING TO PUBLIC SAFETY; REQUIRING THE CHILDREN, YOUTH AND
FAMILIES DEPARTMENT TO FINGERPRINT OPERATORS, STAFF AND
EMPLOYEES OF CHILD CARE FACILITIES; PROVIDING LIMITS ON THE USE
OF CRIMINAL HISTORY RECORDS USED TO CONDUCT BACKGROUND CHECKS;
PROVIDING PENALTIES FOR RELEASE OF INFORMATION; AMENDING
SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 32A-15-1 NMSA 1978 (being Laws 1985,
Chapter 103, Section 1 and also Laws 1985, Chapter 140, Section
1) is amended to read:

"32A-15-1. SHORT TITLE. -- [~~This act~~] Chapter 32A, Article
15 NMSA 1978 may be cited as the "New Mexico Children's and
Juvenile Facility Criminal Records Screening Act". "

Section 2. Section 32A-15-3 NMSA 1978 (being Laws 1985,

underscored material = new
[bracketed material] = delete

1 Chapter 103, Section 3 and also Laws 1985, Chapter 140, Section
2 3, as amended) is amended to read:

3 "32A-15-3. CRIMINAL HISTORY RECORDS CHECK- - BACKGROUND
4 CHECKS. --

5 A. Nationwide criminal history record checks shall
6 be conducted [~~of~~] on all operators, staff and employees and
7 prospective operators, staff and employees of child care
8 facilities, including every facility or program [~~having~~] that
9 has primary custody of children for twenty hours or more per
10 week, and juvenile detention, correction or treatment
11 facilities [~~with~~]. The objective of [~~protecting~~] conducting
12 the record checks is to protect the children involved and
13 [~~promoting~~] promote the children's safety and welfare while
14 receiving service [~~through such~~] from the facilities [~~or~~
15 ~~program~~] and programs.

16 B. The department shall fingerprint all operators,
17 staff and employees and prospective operators, staff and
18 employees of child care facilities. The department shall
19 conduct a background check of all operators, staff and
20 employees and prospective operators, staff and employees of
21 child care facilities by submitting a fingerprint card for
22 those individuals to the department of public safety and the
23 federal bureau of investigation.

24 C. Criminal history records obtained by the
25 department pursuant to the provisions of this section are

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underscored material = new
[bracketed material] = delete

1 confidential. The department is authorized to use criminal
2 history records obtained from the federal bureau of
3 investigation to conduct background checks on prospective
4 operators, staff and employees of child care facilities.

5 D. Criminal history records obtained pursuant to
6 the provisions of this section shall not be used for any
7 purpose other than conducting background checks. Criminal
8 history records obtained pursuant to the provisions of this
9 section and the information contained in those records shall
10 not be released or disclosed to any other person or agency,
11 except pursuant to a court order or with the written consent of
12 the person who is the subject of the records.

13 E. A person who releases or discloses criminal
14 history records or information contained in those records in
15 violation of the provisions of this section is guilty of a
16 misdemeanor and shall be sentenced pursuant to the provisions
17 of Section 31-19-1 NMSA 1978."

18 Section 3. EFFECTIVE DATE. --The effective date of the
19 provisions of this act is July 1, 2003.

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